

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ROENA D. KING
TX-1335980-R

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DOCKETED COMPLAINT NO.
07-157

AGREED FINAL ORDER

On this the 20th day of February, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Roena D. King (Respondent).

In order to conclude this matter, Roena D. King neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Roena D. King is a Texas state certified residential real estate appraiser, holds certification number TX-1335980-R, and has been certified or licensed by the Board during all times material to the above-noted complaint case.
2. On or about February 14th, 2006, Respondent appraised real property located at: 11310 Softbreeze Court, Pearland, Texas 77584 ("the property").
3. On or about June 14th, 2007, the Complainant, Deloris L. Kraft-Longoria, filed a staff-initiated complaint with the Board. The complaint was based upon a referral from Peter G. Kopperman, Vice President, Single-Family Mortgage Business at Fannie Mae, which alleged that Respondent's appraisal report for the property contained violations of the Uniform Standards of Professional Appraisal Practice.
4. On or about June 18th, 2007 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the review of the appraisal report for the property.

- a) Respondent failed to comply with the record keeping provisions of the Ethics Rule;
- b)
- c) Respondent failed to provide a brief summary of her supporting rationale for her determination of the property's highest and best use;
- d) Respondent failed to explain and support her exclusion of the cost approach. Given that the property was only 2 years old and reported to have a 1 year old effective age, a cost approach should have been considered;
- e) Properly employing recognized methods and techniques necessitated performing a cost approach, but Respondent failed to do so;
- f) Respondent failed to collect verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in her sale comparison approach. Respondent selected inappropriate sales to use as comparables which were from other discrete sections of the neighborhood that had dissimilar features from the property;
- g) Although she reported it, Respondent failed to analyze and reconcile a prior sales of the subject property within 3 years prior to the effective date of her appraisal and failed to employ recognized methods and techniques. This prior sale occurred on December 19th, 2005 and was for \$285,000.00. Respondent failed to discuss any analysis and reconciliation of this prior sale with her market value determination of \$425,000.00 made less than two months later on February 14th, 2006; and,
- h) For the reasons noted above, Respondent's appraisal report for the property was performed negligently and contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property, which was not credible.

6. Respondent omitted material information about her analysis and reconciliation of the prior sales history to her value conclusion and about more appropriate sales in the property's immediate area that should have been used in the sales comparison approach.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping); USPAP Standards Rules: 1-3(b) & 2-2(b)(x); 2-2(xi); 1-4(b)(i) & 2-2(b)(ix);

1-4(b)(ii) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(b) & 2-2(b)(ix); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- c. Attend and complete a minimum, 7 classroom-hour course in the Mortgage Fraud;
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

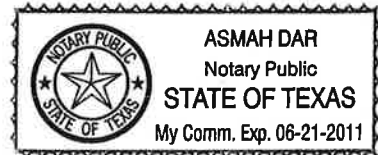
Signed this ____ day of _____, 2009.

Roena D. King
ROENA D. KING

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 2nd day of February, 2009, by ROENA D. KING, to certify which, witness my hand and official seal.

Asmah Dar
Notary Public Signature

Asmah Dar
Notary Public's Printed Name



Signed by the Commissioner this 20th day of February, 2009.

Loretta DeHay
Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20th day of February, 2009.

Clinton P. Sayers
Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board